

### **MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT**

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

*72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.*

## **ACTION AGENDA CITY COUNCIL/REDEVELOPMENT AGENCY CITY OF HUNTINGTON BEACH**

**Adjourned Regular Meeting**

**MONDAY, AUGUST 25, 2003**

**4:00 P.M. – Council Chambers for  
Public Comments & Closed Session  
Reconvene at Approx. 4:15 p.m.  
for Open Session with Two Public  
Comments Sessions**

Civic Center, 2000 Main Street  
Huntington Beach, California 92648

### **4:00 P.M. – Council Chambers**

#### **Call City Council/Redevelopment Agency Meeting to Order**

1. **Roll Call:** Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy  
***Present (Sullivan and Houchen arrived during closed session, Cook absent)***
2. **Public Comments (Session 1 of 3)** regarding Closed Session Item.
  - ***Speaker informed that closed session relates to more than water fee, it also addresses Item 9, the Public Hearing.***

#### **Call Closed Session of City Council/Redevelopment Agency**

**Recommended Action:** Motion to recess to Closed Session on the following item:

***Approved 4-0-3 (Sullivan and Houchen arrived during Closed Session, Cook absent)***

3. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) The purpose of the Closed Session is to discuss the impact of the decision in *City of Roseville v. Howard Jarvis Taxpayers Association* (2002) 97 Cal. App. 4<sup>th</sup> 637 on the validity of the City's in-lieu water fee. (Municipal Code § 14.12.170) Subject: **Potential Litigation** (120.80)

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA IS  
AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

***<http://www.surfcity-hb.org>***

### **Reconvene City Council/Redevelopment Agency Meeting – Council Chambers**

4. **Roll Call:** Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy  
***Present (Cook absent)***

***Mayor announced Councilmember Cook at a League of Cities Meeting.***

5. **Public Comments (Session 2 of 3) regarding Council Budget Meeting**

The public is welcome to speak during this portion of the meeting or at the end of the meeting.

- ***Speaker questioned why more deliberations could not be held prior to issuance of bonds. Also stated concerns re: Adoption of Resolution No 2003-62 at the last council meeting.***
- ***Speaker gave reasons why he did not believe Resolution No.2003-62, levying a Tax Rate which was adopted at the last meeting.***

### **Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

***City Clerk announced Late Communications on Item #7 and Item #9 and reprints of Item #8, re: Finance Department and Economic Development Department.***

6. **(City Council) Request by Mayor Pro Tem Cathy Green for (1) Review of City Attorney's Report Re: Adoption at the August 18, 2003 Council Meeting of Resolution No. 2003-62 – Levying a Tax Rate of 4.4% - Cost of Pre-1978 Benefits which is a Re-implementation of the Retirement Property Tax for FY 2003-04 and (2) Possible Motion to Reconsider Adoption of Resolution No. 2003-62 ( . )**

Communication from Mayor Pro Tem Cathy Green transmitting the following **Statement of Issue:** I am placing the matter of the possibility that there may be a need to reconsider the adoption at the last Council meeting of Resolution No. 2003-62 – “A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2003-04 to pay for Pre-1978 Employee Retirement Benefits” (to levy a tax rate at 4.4% that represents the cost of pre-1978 benefits).

Because copies of previously adopted Resolution Nos. 4300 (adopted 8/2/76), Resolution No. 4392 (adopted 12/20/76) and Resolution of Intention No. 4623 (adopted 6/5/78) were provided to the City Council during the City Council meeting, time was not provided to Council to fully review these previously adopted resolutions to ensure that the action being requested of the City Council to adopt Resolution No. 2003-62 was fully presented and clarified prior to a Council decision to approve.

The City Attorney will present a written report to the City Council and the public regarding the attached RCA's (Requests for Council Action) dated June 5, 1978 relative to Resolution No. 4623 and the RCA dated June 12, 1978 relative to the Resolution of Intention. Resolution of Intention No. 4623 adopted on 6/5/78 was effective on June 5, 1978. The corresponding ordinance, which this Resolution of Intention announced, was adopted at a later date. I believe this needs to be clarified.

I believe the City Attorney's written report will provide an explanation of this issue and will result in an understanding of this matter for the public and Council.

**Recommended Action:** Motion to:

1. Concur with the adoption of Resolution No. 2003-62 adopted on August 18, 2003 levying a tax rate at 4.4% that represents the cost of pre-1978 benefits;

**OR**

2. If required, motion to re-consider adoption of Resolution No. 2003-62.

***Motion to reconsider failed by tie vote:***

***Sullivan, Coerper, Green – Ayes***

***Boardman, Houchen, Hardy – Noes***

***Cook – Absent***

**7. (City Council/Redevelopment Agency) Presentation by the Finance Board Re: Proposed 2003-2004/2004-2005 Budget Recommendations ( . )**

Finance Board Chair Charles Falzon shall present the recommendations of the Finance Board regarding the proposed 2003-2004/2004-2005 budget.

A communication may be available at the budget meeting.

***Chair Falzon reported on Power Point Late Communication.***

**8. (City Council/Redevelopment Agency) Summary Overview by the City Administrator Re: Proposed 2003-2004/ 2004-2005 City Budget and Work Programs Including Responses to Mayor Boardman's Inquiries from August 11, 2003 Meeting ( . )**

City Administrator Ray Silver shall present the proposed 2003-2004/2004-2005 City Budget and Work Programs as follows:

**a. Summary Overview of the Budget**

A PowerPoint Presentation titled *Fiscal Year 2003/2004 Budget Presentation* is included in the Agenda Packet.

**b. Responses to the City Council Budget questions of August 11, 2003**

The following communications included in the Agenda Packet shall be reviewed:

- 1.) Memorandum titled *Table of Organization*;
- 2.) Memorandum titled *Impact of the Layoff Process*;
- 3.) Memorandum titled *Vacant Positions*; and
- 4.) Memo in response to Mayor Boardman's questions titled *All Funds/General Fund Revenue Differences*.

**c. (City Council/Redevelopment Agency) 1.) Review and Approve the Development Services Team Major Projects List and 2.) Review the Development Services Work Programs for Fiscal Year 2003-2004 ( . )**

City Administrator Ray Silver shall present the following two communications included in the Agenda Packet: 1.) the *Development Services Team Major Projects List* for Council approval the and 2.) the *Development Services Work Programs for Fiscal Year 2003-2004* for Council review.

***Request for further information of Item #19 Pearce Street Subdivision on Major Projects List. Motion to Approve (1) and (2) 6-0-1 (Cook absent)***

9. **(City Council/Redevelopment Agency) Public Hearing to Consider Revisions to the City's Comprehensive Fee Schedule – Adopt (1.) Resolution No. 2003-63 (Repealing Res. No. 5159); (2.) Resolution No. 2003-64 (Repealing Res. No. 2002-94); and (3.) Resolution No. 2003-65 (Re: Facility Rentals) ( . )**

Communication from the Administrative Services Director.

Public hearing for the purpose of considering revisions to the City Comprehensive Fee Schedule as set forth in City Council Resolution No. 5159 adopted on October 4, 1982, and amendments thereto.

The revisions to be considered are for cost recovery purposes and charges for services, and fall under the responsibility of the following City Departments.

- Building and Safety Department
- Planning Department
- City Clerk
- City Treasurer
- Economic Development Department
- Fire Department
- Library Department
- Police Department
- Public Works Department
- Community Services Department
- Administration

***Councilmember Coerper stated that he would like the chart to reflect the current fees and proposed fees and fully burdened costs on the same chart.***

***Staff to return to Council 9/8/03 re: Enterprise Funds.***

A complete report detailing the proposed revisions to City fees, along with appropriate schedules, is available for review by the public at City Hall, 2000 Main St., in the City Clerk's Office between the hours of 8:00 AM to 5:00 PM., Monday through Friday.

All interested persons (especially senior citizens and handicapped individuals) are invited to attend the budget hearing to express opinions for, or against, the proposed fee revisions with written or oral comments. Written communications to the City Council also may be mailed to the City Clerk. Further information may be obtained from the Office of the City Clerk, 2000 Main St. Huntington Beach, CA 92648 – Phone 714 536-5227.

The City of Huntington Beach endeavors to accommodate persons of handicapped status in admission, access, treatment, employment, City programs and activities. The City of Huntington Beach is an equal opportunity employer.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

**\*\*Two Communications included in the Agenda Packet will be presented for Council review:**

9(a.) Communication from the Administrative Services Director titled *Benchmark Fees and Charges*; and 9(b.) Communication from the Community Services Director titled *Responses to Council's Questions on Fees*.

***Houchen left meeting at 6:15 p.m.***

**Recommended Action:** Motion to:

1. Conduct a public hearing;

**Public Hearing opened and continued open to 9/2/03**

and

2. Adopt **Resolution No. 2003-63** – “A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide User Fee Schedule and Repealing Resolution No. 5159 entitled, ‘A Resolution of the City Council of the City of Huntington Beach Establishing a City Fee Schedule’ and Certain Supplemental Amendments Thereto;”

**Straw vote 4-0-2-1 Coerper, Green, Boardman, Hardy Ayes**

**Houchen - Cook Absent**

**Sullivan Abstain**

and

3. Adopt **Resolution No. 2003-64** – “A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide User Fee Schedule and Repealing Resolution No. 2002-94;” (**Developer Fees**)

**Straw vote 3-0-2-2 Coerper, Boardman, Hardy Ayes**

**Houchen, Cook Absent**

**Sullivan, Green Abstain**

and

4. Adopt **Resolution No. 2003-65** – “A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide User Schedule for Charges for Facility Rentals and Recreation Services.”

**Straw vote: 5-2 (Houchen and Cook absent)**

***Continued open to September 2, 2003.***

**10. Public Comments (Session 3 of 3) regarding Council Budget Meeting**

- ***Speaker stated her disagreement with different Councilmembers comments at the last meeting re: how the partial rebate of property tax payments will be made.***

**Council/Agency Adjournment to ***Tuesday, September 2, 2003***, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.**

Council/Agency Agendas and Minutes are available at no charge to the public at the City Clerk's Office, on the City's website, via email, and through paid subscription. Complete Agenda Packets are available at the Central Library and Library Branches on Friday prior to meetings. Videotapes of Council Meetings are available for checkout at the Central Library at no charge.

**CONNIE BROCKWAY, CITY CLERK**  
**City of Huntington Beach**  
**2000 Main Street - Second Floor**  
**Huntington Beach, California 92648**

**Internet: <http://www.surfcity-hb.org>**